

85th Legislative Session – 2010

Committee: House Judiciary

Friday, February 12, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Engels
P Feinstein
P Gibson
P Gosch
P Hamiel
P Hoffman
E Killer
P Lust
P Moser
P Schlekeway
P Turbiville
P Hunt, Vice-Chair
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 10, 2010.

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1136 UNTIL WEDNESDAY, FEBRUARY 17, 2010.

THE CHAIR DEFERRED HB 1159 UNTIL FRIDAY, FEBRUARY 19, 2010.

HB 1112: provide for the timely disposition of certain untried complaints, indictments, and informations upon request of the affected inmates.

Presented by: Representative Richard Engels

MOTION: DEFER HB 1112 TO THE 41ST LEGISLATIVE DAY

Moved by: Gibson

Second by: Turbiville

Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Lust, Moser, Turbiville, Hunt, Cutler

Excused: Killer, Schlekeway

*Gavel passed to Vice-Chair Hunt.

HB 1131: revise certain provisions concerning intoxicated or incapacitated persons who may be taken into protective custody.

Presented by: Representative Joni Cutler

Proponents: Scott Peters, Minnehaha/Lincoln County Board of Mental Illness (Handouts: #1)
Kenneth Mc Farland, Minnehaha County
Staci Eggert, SD Sheriff's Association
Phyllis Arends, NAMI SD
Terrance Dosch, SD Council of Mental Health Centers, SD Council of Substance Abuse Directors
Deb Fischer Clemens, Avera Health
Betty Oldenkamp, Lutheran Social Services

MOTION: DO PASS HB 1131

Moved by: Gibson

Second by: Feinstein

Action: Prevailed by roll call vote. (9-2-2-0)

Voting Yes: Engels, Feinstein, Gibson, Hoffman, Moser, Schlekeway, Turbiville, Hunt, Cutler

Voting No: Gosch, Lust

Excused: Hamiel, Killer

HB 1132: provide for the referral and placement of certain individuals in need of

intervention.

Presented by: Representative Joni Cutler

Proponents: Scott Peters, Minnehaha/Lincoln County Board of Mental Illness

Phyllis Arends, NAMI SD

Betty Oldenkamp, Lutheran Social Services

Terrance Dosch, SD Council of Mental Health Centers, SD Council of Substance Abuse Directors

Staci Eggert, SD Sheriff's Association

Deb Fischer Clemens, Avera Health

MOTION: AMEND HB 1132

1132fb

On page 1 of the printed bill, delete lines 9 to 12, inclusive, and insert "person to the direct supervision of any member of a mobile crisis team or crisis intervention team certified law enforcement officer. If any member of the mobile crisis team or the crisis intervention team certified law enforcement officer accepts direct supervision of the person, in writing, the member or officer may:".

On page 1, line 15, delete everything after "." And insert "Any team member".

On page 2, line 1, delete everything before "may" .

On page 2, delete line 22, and insert "techniques involving any person who is mentally ill or has substance abuse issues and".

On page 2, line 24, delete everything after "(2)" and insert ""Crisis intervention team," a team of law enforcement officers and individuals who have undergone a comprehensive training program in crisis intervention techniques involving any person who is mentally ill or has chemical dependency or substance abuse issues;

- (3) "Mobile crisis team," an interdisciplinary team of one or more mental health professionals able to respond to any person in the community, usually visiting the person at home, for mental health and chemical dependency or abuse intervention;
- (4) "Team member," any person who is a member of a crisis intervention team or a mobile crisis team."

On page 3, delete lines 1 to 3, inclusive.

On page 3, line 7, delete "qualified mental health professional member of a".

On page 3, line 9, delete "qualified mental health professional".

Moved by: Gibson
Second by: Schlekeway
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1132 AS AMENDED

Moved by: Schlekeway
Second by: Hoffman
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Killer, Lust

HB 1244: increase the penalty for solicitation of a minor.

Presented by: Representative Joni Cutler
Proponents: Chuck Schroyer, SD States Attorneys Association
Opponents: Aaron McGowan, Minnehaha Co. States Attorney

MOTION: DO PASS HB 1244

Moved by: Moser
Second by: Engels
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Killer, Lust

HB 1105: permit the record of a person's conviction or arrest to be expunged.

*Prior testimony heard on Wednesday, February 12, 2010.

Proponents: Roger Tellinghuisen, SD Trial Lawyers Association

Opponents: Chuck Schroyer, SD States Attorneys Association
Tiffani Hoeke, Turner County States Attorney
Kelly Marnette, Hughes County States Attorney
Aaron McGowan, Minnehaha County States Attorney

MOTION: AMEND HB 1105

1105sb

On page 1 of the printed bill, delete lines 10 and 11.

On page 1, line 12, delete everything after "Section 2." .

On page 1, delete lines 13 and 14.

On page 2, delete lines 1 and 2.

On page 2, line 5, delete "hundred eighty days" and insert "year".

On page 2, delete lines 12 to 15, inclusive.

On page 2, delete line 24.

On page 3, delete lines 1 to 5, inclusive.

On page 4, delete lines 1 to 3, inclusive.

On page 4, line 4, delete "convictions and".

Moved by: Gibson
Second by: Engels
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1105 AS AMENDED

Moved by: Moser
Second by: Engels
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1105

1105ra

On page 2, line 6, of the printed bill, delete "or a dismissal of the charge".

Moved by: Feinstein
Second by: Gibson
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1105 AS AMENDED

Moved by: Engels
Second by: Feinstein
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Lust, Moser, Schlekeway, Turbiville, Cutler

Voting No: Hoffman, Hunt

Excused: Killer

MOTION: AMEND TITLE OF HB 1105

1105sta

On page 1, line 1, of the printed bill, delete "conviction or".

Moved by: Cutler
Second by: Gibson
Action: Prevailed by voice vote.

*Gavel returned to Chair Cutler.

HB 1110: revise certain provisions relating to statutory rape and statutory sexual contact.

*Prior testimony heard on Wednesday, February 12, 2010.

Presented by: Representative Richard Engels
Opponents: Bonnie Costain, Deputy States Attorney, Minnehaha County

Chuck Schroyer, SD States Attorneys Association

MOTION: AMEND HB 1110

1110ra

On page 1 of the printed bill, delete lines 4 to 13, inclusive.

Moved by: Moser
Second by: Hunt
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1110 AS AMENDED

Moved by: Feinstein
Second by: Hoffman
Action: Prevailed by roll call vote. (11-1-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hoffman, Lust, Moser, Schlekeway, Turbiville,
Hunt, Cutler

Voting No: Hamiel

Excused: Killer

MOTION: AMEND TITLE OF HB 1110

1110rta

On page 1, line 1, of the printed bill, delete "and" and insert ".".

On page 1, delete line 2.

Moved by: Gibson
Second by: Feinstein
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Turbiville

Second by: Gosch

Action: Prevailed by voice vote.

Linda Daugaard
Committee Secretary

Joni M. Cutler, Chair